NO. 98965-6

SUPREME COURT OF THE STATE OF WASHINGTON

IN RE THE WELFARE OF K.D.

AMICUS CURIAE MEMORANDUM OF ALLIED DAILY NEWSPAPERS OF WASHINGTON AND INVESTIGATEWEST

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I. INTRODUCTION

Severing a parent-child bond is one of the harshest actions the State can take. Racial bias pervades the system. This Court recently recognized that parental termination cases involve unusual judicial discretion that increases risks of class and cultural bias. Public oversight is critical to ending the disproportionate breaking up of Black, Native American and Latino families.

Removing parent names from termination appeals promotes misuse of power. The public cannot examine how a parent – or group of parents - was treated when trial court records are routinely sealed and parent names are removed from appellate records. Without a name in the title or opinion, a case will not show up through a name search. Also, an opinion without a named parent is insulated from fact-checking and further investigation. Far from hiding only private matters, a nameless caption impedes scrutiny of the entire case, including actions of state agencies and courts.

Article I section 10 of the Washington Constitution prohibits a blanket policy of anonymity in parental termination appeals. No statute or rule may completely exempt parent identities from the Constitution's promise of open courts. The stakes are too high, and the public interest

is too great, for termination cases to be completely carved out of open administration of justice. This Court should affirm the use of parent names in the titles and opinions of termination cases.

II. INTEREST AND IDENTITY OF AMICUS PARTY

Allied Daily Newspapers of Washington ("Allied") is a trade association representing 25 daily newspapers across the state. Its members often use court records to research stories. Full access to court records is essential to scrutinizing Washington's justice system, including child protection, a matter of enormous public interest. Allied accepted the Court's invitation to participate as amicus curiae in this case because the public needs a voice in enforcing the constitutional guarantee of open courts, and because Allied can help explain why access to party names is important to ensuring a fair and just system of protecting children and families.

InvestigateWest is an award-winning nonprofit newsroom in Seattle known for investigative and explanatory reporting on critical issues throughout the Pacific Northwest. InvestigateWest is intensely interested in this case due to its longstanding involvement in scrutinizing Washington's child welfare system. Since 2012, InvestigateWest has published numerous articles identifying multiple

shortcomings in the State's handling of abused and neglected children.[1] InvestigateWest is concerned that withholding names of parents in appellate litigation would make it onerously difficult for reporters to examine, for example, allegations of racial disproportionality.

III. STATEMENT OF THE CASE

In May 2019, the Snohomish County juvenile court terminated the parental rights of K.D.'s mother due to drug use. *Dependency of K.W.D.D.*, 13 Wn.App.2d 1083 at 2-3 (2020) (unpublished opinion). The mother did not appear at the termination trial because she was in a detoxification program at the time. *Id*. at 3. The mother initially had agreed that she was incapable of caring for K.D. and sought help for substance abuse. *Id*. at 1. She did not agree with terminating her parental rights, appealing to the Court of Appeals and then this Court.

One year ago, the mother filed a motion in the Court of Appeals to remove the child's name and birthdate from the case caption, retitle the case "In re K.D.," and identify the mother by her initials in the appellate opinion. Motion to Change Caption p. 1. The two-page motion did not mention GR 15 or *Seattle Times Co. v. Ishikawa*, 97 Wn.2d 30, 640 P.2d 716 (1982), which outlines the five-factor test for

[1] See Foster Care Archives | InvestigateWest (invw.org) and Impact | InvestigateWest (invw.org).

complying with article I section 10. The motion cited RAP 3.4, which says a case title on appeal is the same as in the trial court, and the "general practice" of other appellate courts to use initials or pseudonyms for parents in termination cases. Motion to Change Caption pp. 1-2. The mother asserted generally that the appeal "concerns sensitive information" without specifying a particular harm that would result from using her name in the title or opinion. *Id*. p. 2.

Division One Clerk Richard D. Johnson denied the motion in a letter which titled the case as: "*In Re the Welfare of K.D., Danielle Graves, Appellant v. DCYF, Respondent*." The one-page ruling said:

> The case title is correct. Counsel's reference to RAP 3.4 omits the second part of the first sentence of RAP 3.4 which states, 'except that the party seeking review by appeal is called an appellant.' Danielle Graves is the Appellant in this case and, therefore, properly designated as such in the title of the case.

The mother filed a Motion to Modify the clerk's ruling, using her preferred caption, not the clerk's caption. Again, she did not address GR 15 or *Ishikawa*, and did not identify any harm from using her name. Motion to Modify pp. 1-4. She continued to rely on RAP 3.4 and the practices of other appellate courts to justify replacing her name with initials. *Id*. She suggested that the burden was on the clerk to "explain why initials should not be used in the opinion." *Id*. p. 4.

The Court of Appeals denied the motion in a two-sentence footnote in the final opinion affirming the termination. *Dependency of K.W.D.D.*, 13 Wn.App.2d 1083 at 8. The opinion was titled: "In the MATTER OF the DEPENDENCY OF K.W.D.D., D.O.B.: 08/07/2015, State of Washington, Department of Children, Youth and Families, Respondent, v. Danielle Lisa Kristine Graves, Appellant." *Id*. at 1. The opinion did not address the reasoning behind the disputed case title.

The mother filed a Motion for Discretionary Review in which she mentioned GR 15 and article I section 10 for the first time. Mot. for D. Rev. p. 20. She still did not analyze the *Ishikawa* factors for sealing records. *Id*. Rather, the mother cited *Dependency of E.H.*, 191 Wn.2d 872, 427 P.3d 587 (2018) for the proposition that article I section 10 does not apply to parental termination cases at all. *Id*. This Court granted review as to whether "court rules and open court principles allowed the Court of Appeals to unilaterally change the case title as used in the trial court to include the mother's name."

IV. ARGUMENT

A. Parental Terminations Pose A High Risk of Bias.

Last year this Court discussed the unusually high risk of bias and error in parental termination cases when deciding *Welfare of M.B.*,

195 Wn.2d 859, 467 P.3d 969 (2020). In *M.B.*, a father missed most of his parental termination trial because he was incarcerated. 195 Wn.2d at 863. This Court ordered a new trial, holding that if an incarcerated parent cannot physically attend a termination trial, due process requires alternate procedures affording a meaningful opportunity to be heard. *Id*. at 868. In reaching that result, this Court examined the risk that the termination process would erroneously deprive the father and child of the fundamental interests at stake. *Id*. at 868-870. This Court said:

> Few forms of state action are 'so severe and so irreversible.' … Because of the tremendous stakes, 'a parent's interest in the accuracy and justice of the decision' is 'commanding.'

Id. at 868, quoting *Santosky v. Kramer*, 455 U.S. 745, 753, 759, 102 S.Ct. 1388 (1982).

> [T]he risk of error is already significant in termination proceedings because they employ imprecise substantive standards that leave determinations unusually open to the subjective values of the judge. … In appraising the nature and quality of a complex series of encounters among the agency, the parents and the child, the court possesses unusual discretion to underweigh probative facts that might favor the parents. Because parents subject to termination proceedings are often poor, uneducated, or members of minority groups, such proceedings are often vulnerable to judgments based on cultural or class bias.

M.B., 195 Wn.2d at 869, quoting *Santosky*, 455 U.S. at 762-63.

This Court also said "the risk of error is heightened because of the balance of power in termination proceedings," explaining:

> The State's ability to assemble its case almost inevitably dwarfs the parents' ability to mount a defense. … [T]he primary witnesses at the hearing will be the agency's own professional caseworkers whom the State has empowered both to investigate the family situation and to testify against the parents. Indeed, because the child is already in agency custody, the State even has the power to shape the historical events that form the basis for termination.

M.B. at 870, quoting *Santosky* at 763. Thus, this Court has recognized that parental termination cases – more than most cases – are prone to biased and erroneous decisions.[2] *See also* Laws of 2009 c 213 §1 (research demonstrates racial disproportionality in removing children from their homes and disproportionately longer stays in foster care for African American, Native American and Latino children).

B. Sunlight Is The Best Disinfectant For Systemic Bias.

To borrow the words of Justice Louis Brandeis: "Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."[3] This Court has long embraced the principle that openness is a disinfectant for injustice. In *Dreiling v. Jain*, 151 Wn.2d 900, 903,

[2] The trial court in *M.B.* addressed whether the father was likely to stay off drugs, which is "the type of inquiry that gives judges an unusual level of discretion and is particularly vulnerable to subjective judgments." *M.B.*, 195 Wn.2d at 870.
[3] *Buckley v. Valeo*, 424 U.S. 1, 67, 96 S. Ct. 612 (1976) (quoting a 1933 article).

93 P.3d 861 (2004), this Court explained that openness is important "to give judges the check of public scrutiny." The Court said: "For centuries publicity has been a check on the misuse of both political and judicial power," adding that "[p]roceedings cloaked in secrecy" foster misuse of power. *Dreiling* at 908.

Openness is also important to maintaining public trust in the justice system. Article I section 10 requires public access to court records as "a means by which the public's trust and confidence in our *entire judicial system* may be strengthened and maintained." *Rufer v. Abbott Laboratories,* 154 Wn.2d 530, 549, 114 P.3d 1182 (2005) (italics in original). As this Court has said:

> Openness of courts is essential to the courts' ability to maintain public confidence in the fairness and honesty of the judicial branch of government as being the ultimate protector of liberty, property, and constitutional integrity.

Allied Daily Newspapers of Wash. v. Eikenberry, 121 Wn.2d 205, 211, 848 P.2d 1258 (1993).

These principles apply with amplified force to parental termination cases where, as this Court acknowledged, the risk of biased and erroneous decisions is unusually high. As it is, juvenile court records in dependency and termination cases are completely hidden from the public. *Dependency of G.A.R.*, 137 Wn.App. 1, 3, 11, 150

P.3d 643 (2007), citing RCW 13.50.100. Thus, appellate courts are the *only* window into the fairness of the parental termination process. Absent exceptional circumstances justifying sealing under the *Ishikawa* test, the public must have full access to termination appeal records as a check on misuse of power and as a means of maintaining trust in the justice system. *Dreiling*, 151 Wn.2d at 908; *Rufer*, 154 Wn.2d at 549.

C. Names In Captions Are Important to Public Understanding Of The Administration Of Justice.

This Court has held that names of parties must remain in court records unless they are sealed in accordance with the *Ishikawa* test. *Doe G. v. Dept. of Corrections*, 190 Wn.2d 185, 198-199, 410 P.3d 1156 (2018). This rule should apply here. If parent names are routinely left out of captions and opinions in parent termination appeals, as both the State and K.D. are urging, the shadow over such cases will grow.

Without names in captions, journalists or others interested in how the courts treated a particular parent (or class of parents) will be unable to find the cases through name searches. As this Court said in *Hundtofte v. Encarnacion*, 181 Wn.2d 1, 11, 330 P.3d 168 (2014), replacing names with initials will "obscure the fact that an action was filed" against a defendant. Such secrecy "will not help to 'foster the public's understanding and trust in our judicial system.'" *Hundtofte*,

181 Wn.2d at 11 (plurality opinion), quoting *Dreiling*, 151 Wn.2d at 903. Replacing the names of parties with initials "makes their involvement in the court proceeding virtually undiscoverable by anyone for any purpose." *Hundtofte* at 13 (J. Madsen concurring). In short, if the public cannot find termination cases or learn which people were stripped of parenting rights, there is little or no check on the misuse of power, contrary to article I, section 10.[4]

D. RAP 3.4 Allows Courts To Change Case Titles On Their Own Initiative Without Limits On Judicial Discretion.

This Court is reviewing in part whether court rules allowed the Court of Appeals to unilaterally change the case title to include the mother's name. The answer is yes. RAP 3.4 allowed such a change.

As to unilateralism, RAP 3.4 says in relevant part: "Upon motion of a party *or on the court's own motion*, and after notice to the parties, the Supreme Court or the Court of Appeals may change the title of a case by order in said case." (Italics added). Thus, an appellate court can initiate a title change itself to safeguard public oversight of justice

[4] Even when court records are available, it is difficult to independently examine what happened without knowing who was involved. A party's initials ordinarily will not provide enough information to find that party in order to learn more than is revealed in official narratives. Identifying the parties' attorneys is not a substitute for identifying the parties, as public access to court records cannot depend on the voluntary cooperation of attorneys.

(among other purposes). A unilateral change in favor of openness is consistent with the duty to proactively enforce article I section 10. As *Hundtofte* said: "We must fulfill our *independent obligation* to protect the open administration of justice." 181 Wn.2d at 9 (italics added).

As for notice of a title change, the parent in this case asserted that the Court of Appeals did not provide notice. Supp. Brf. of Pet. p. 5. Neither she nor the State explained exactly when or how the Court of Appeals first changed the title to include the mother's name. *Id*., DCYF Supp. Brf. p. 5. The mother's motion and briefs in the Court of Appeals did not have her name in the caption, using the title "In re Dependency of K.D." as if addition of her name was not yet official or binding. In any case, the notice requirement was substantially met because the mother was able to file two motions on the issue before the Court of Appeals promulgated its opinion with the mother's name in the title.

Contrary to the parties' arguments, RAP 3.4 does not prohibit adding the parent's name to titles of termination appeals. It says in full:

> The title of a case in the appellate court is the same as in the trial court except that the party seeking review by appeal is called an "appellant," the party seeking review by discretionary review is called a "petitioner," and an adverse party on review is called a "respondent."
>
> Upon motion of a party or on the court's own motion, and after notice to the parties, the Supreme Court or the

> Court of Appeals may change the title of a case by order in said case. In a juvenile offender case, the parties shall caption the case using the juvenile's initials. The parties shall refer to the juvenile by his or her initials throughout all briefing and pleadings filed in the appellate court, and shall refer to any related individuals in such a way as to not disclose the juvenile's identity. However, the trial court record need not be redacted to eliminate references to the juvenile's identity.

The first paragraph simply establishes the default rule: an appellate title is the same as the trial court title except for new descriptions indicating which party appealed. The second paragraph allows appellate courts to change the default titles at their discretion. RAP 3.4 (a court "may change the title…by order"). RAP 3.4 does not limit judicial discretion in any way. The only limitations are on "the parties." RAP 3.4 (***the parties*** in juvenile offender cases shall refer to juveniles by initials in captions and briefing). Thus, RAP 3.4 in no way barred Division One from changing the title to include the mother's name.[5] Illustrating that RAP 3.4 does not preclude naming parents in titles of termination appeals, this Court has included both the name of the parent and the initials of the child in its own opinions regarding parental terminations.[6]

[5] Even if RAP 3.4 prevented adding names to titles, such (non-existent) restriction could be waived. RAP 18.8(a); *Matter of Fowler*, 479 P.3d 1164, 1168 (Wash. 2021) (inherent power of the court does not depend on rules).

[6] *See, e.g.*, *Dependency of K.N.J.*, 171 Wn.2d 568, 257 P.3d 522 (2011) (fully captioned as "In re Dependency of K.N.J., Michael Jenkins, Petitioner, v. Dep't.

Here, the Court of Appeals changed the case title to reflect which party appealed. Identifying the appellant in the title is consistent with the default rule in the first paragraph of RAP 3.4 (titles are to designate parties as appellants/petitioners or respondents). More importantly, the corrected title promotes open administration of justice by making it possible for the public to find the case through a name search, and by recognizing that names of parties are important to the public's ability to understand handling of termination cases.[7]

E. Open Court Principles Support Naming Parents.

This Court is also reviewing whether open court principles allowed the Court of Appeals' title change. The answer is, again, yes.

1. This Court Should Not Extend Its Holding In *Dependency of E.H.* To Termination Cases.

In *Dependency of E.H.*, 191 Wn.2d at 898, this Court held that article I section 10 does not apply when sealing juvenile dependency records. The Court likened dependency records to juvenile criminal records, which were deemed exempt from article I section 10 in *State v.*

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of Social & Health Services, Respondent") and *State v. Parvin*, 184 Wn.2d 741, 364 P.3d 94 (2015) (fully captioned as "In the Matter of the Dependency of M.H.P., a minor child, State of Wash. Dep't of Social and Health Services, Petitioner, v. Paul Parvin and Leslie Bramlett, Respondents").

[7] While the sparsely worded rulings in this case did not speak directly to open court principles, Division One emphasized article I section 10 when explaining its title-changing practice in a motion ruling in another parental termination case, *Dependency of K.N.R.V.*, Court of Appeals Case No. 80981-4-I.

S.J.C., 183 Wn.2d 408, 352 P.3d 749 (2015). *E.H.*, 191 Wn.2d at 897-98. The *E.H.* court reasoned that dependency records are confidential at the juvenile court level under RCW 13.50.100(2) and, pursuant to GR 15(g), records sealed in the trial court remain sealed on appeal. *Id*. at 898. Without discussing the public interest in dependency records, this Court concluded: "records that are confidential under RCW 13.50.100(2) remain confidential on appeal" and should be sealed "without need for a party to bring a GR 15 motion to seal." *Id*.

This Court should not extend that holding to parental termination cases for several reasons. First, the stakes are higher in termination cases than they are in dependency cases such as *E.H.* in which parental rights were not terminated.[8] Second, *E.H.* did not apply the experience and logic test which, if applied here, would support Division One's naming of parents. Third, this Court has recognized that a statute or rule cannot mandate privacy where the constitution requires openness. Finally, a termination case is more like family law than juvenile criminal law, making reliance on *S.J.C.* inapt.

[8] *E.H.*, 191 Wn.2d at 879-882 (the case concerned right to appointed counsel for children whose parents were not facing termination); *K.N.J.*, 171 Wn.2d at 576 (finding a child dependent allows temporary foster care while attempting remedial measures to preserve and mend family ties, and it will not lead to termination unless such measures are unsuccessful).

a. *E.H.'s reasoning is inapplicable here.*

The *E.H.* court confined its open court analysis to four paragraphs and did not examine the experience and logic of sealing all dependency records. *Id.* at 897-898. By contrast, the *S.J.C.* court concluded that juvenile criminal records are exempt from article I section 10 only after examining at length whether the juvenile criminal process was historically open to the general public (the experience prong), 183 Wn.2d at 417-430, and whether public access plays a significant positive role in the functioning of the juvenile offender process (the logic prong). *Id.* at 430-435.

E.H. made no distinction between criminal proceedings, which determine if a child committed a crime, and dependency proceedings, which determine if a family needs court supervision to keep a child safe. *E.H.*, 191 Wn.2d at 897-98; RCW 13.34.050(1) and .110(1). Such a broad brush should not be used here. Other than being handled in juvenile court, parental termination cases have little in common with juvenile criminal cases. In a termination case, the court determines if a parent is likely to overcome barriers to safely caring for a dependent child. RCW 13.34.180. The focus is on adults. *Id.* Moreover, this case involves a narrower question about public access to parents' names in

titles of termination appeals, not termination records generally. Therefore, *E.H*. does not control the analysis here.

b. *Experience and logic support application of Ishikawa in termination appeals.*

Doe G. provides the proper framework for determining if *Ishikawa* applies to parent names in termination appeal titles. 190 Wn.2d at 199-200. In *Doe G.*, sex offenders sought to use pseudonyms in a lawsuit to enjoin disclosure of sentencing evaluations. *Doe G.*, 190 Wn.2d at 189. This Court said: "To determine whether article I, section 10 is implicated, we must examine whether experience and logic support the John Does' desire to proceed in pseudonym." *Id*. at 199. The experience inquiry in *Doe G*. was whether "the names of people convicted of criminal offenses, including sex offenders, have historically been open to the public." *Id.* Thus, the question here is whether names of parents in termination appeals have historically been open. *Id*. The answer is yes, as illustrated by numerous opinions including *K.N.J.*, 171 Wn.2d 568, *Parvin*, 184 Wn.2d 741, and *Dependency of M.-A.F.-S.*, 4 Wn.App.2d 425, 421 P.3d 482 (2018).

As for the logic prong, this Court already recognized the public's positive role in the functioning of parent termination cases. In *Parvin*, 184 Wn.2d at 748, the trial court was routinely sealing parents'

motions for public funding of expert services in termination cases. This Court found the blanket sealing violated article I section 10 and GR 15. *Parvin*, 184 Wn.2d at 748-49. In weighing the public interest in open courts against the asserted privacy interests, this Court said:

> Furthermore, our state's constitution firmly establishes that the public has a fundamental interest in the open administration of justice. Wash. Const. art. I, § 10. ***That interest does not evaporate in parental termination cases.*** On the contrary, and as the amici brief of Allied Daily Newspapers of Washington and the Washington Coalition for Open Government states, ***the public has a strong interest in parental termination cases 'to ensure that state laws are serving their intended purpose to nurture healthy families and protect children.'***

Parvin at 771 (bold italics added). Thus, this Court recognized that the public has a significant positive role to play in overseeing terminations. Both experience and logic support open administration of justice here.

c. *A statute cannot override the Constitution*.

This Court has "rejected the principle that a statute can mandate privacy where the constitution requires openness." *State* v. *Chen*, 178 Wn.2d 350, 355, 309 P.3d 410 (2013). In *Chen*, this Court held that competency evaluations of criminal defendants may not be sealed without applying the *Ishikawa* test, despite a statute limiting disclosure. *Id*. The Court explained:

> In *Allied Daily Newspapers*, we held a statute

> unconstitutional that required courts to redact identifying information of child victims of sexual assault made public during the course of trial or contained in court records. Despite the important privacy interests of child victims of sexual assault, we recognized that the statute prevented the individualized assessment required under our interpretation of article I, section 10.

Chen, 178 Wn.2d at 355. Thus, even if RCW 13.50.100(2) limits disclosure of juvenile court records, that cannot prevent the case-specific sealing assessment required by article I section 10. *Id*.[9] Nor can any court rule seal names of all termination appellants. *In re Det. of D.F.F.*, 172 Wn.2d 37, 41, 256 P.3d 357 (2011) (holding a rule unconstitutional because it closed all involuntary commitment proceedings, precluding an individualized *Ishikawa* inquiry.)

d. *Parent terminations are more like family law than juvenile criminal law*.

As the *E.H.* dissent explained, the reasons for exempting juvenile criminal cases from article I section 10 do not apply to

[9] *Chen* is also instructive because of the high stakes involved. The Court said:

> [T]he idea of a public check on the judicial process may be especially important where competency is at issue. If found to be incompetent, a defendant can have his or her freedom restricted for an undetermined amount of time without the full due process accorded in a criminal proceeding, while a determination of competency is no guarantee that the defendant fully understands the process in which he or she is embroiled.

Id. at 357. A "public check" is equally vital where the freedom at stake is the right to parent a child.

dependency proceedings. 191 Wn.2d at 900 (J. Stephens dissent). In fact, dependency and termination cases are more like family law cases than juvenile offender cases because they deal with sensitive information about how family members treat each other. Also, like family law cases, termination cases focus on adults. Courts have declined to carve family law cases out of article I section 10 protections. *Marriage of R.E.*, 144 Wn.App. 393, 402, 183 P.3d 339 (2008) ("current court rules allow the court adequate discretion to consider the nature of the proceedings and to craft appropriate, narrowly drawn orders when compelling interests are identified"); *Marriage of Treseler & Treadwell*, 145 Wn. App. 278, 286–87, 187 P.3d 773 (2008) (declining to require merely "good cause" to seal records in all family law cases, and adhering to the stricter *Ishikawa* test). There is no reason to treat parental termination cases differently than family law cases, which are subject to article 1 section 10.

2. *Ishikawa* Is Adequate To Protect Privacy.

This is not to say that parent names should never be removed from termination appeals. The *Ishikawa* test allows anonymity when a serious and imminent threat to an important interest is shown, when anonymity is the least restrictive method of protecting the threatened

interest, and when the public's competing interest in open courts is properly weighed. *Doe G.*, 190 Wn.2d at 199-200, citing *Ishikawa*, 97 Wn.2d at 37-39.[10] This test is essential to public oversight of a system that is prone to bias and errors and involves severe actions of the State.

Parvin held that indiscriminate sealing of parent motions in termination cases violated both *Ishikawa* and GR 15(c), which allows sealing only if identified compelling privacy or safety concerns outweigh the public interest in access. *Parvin*, 184 Wn.2d at 753. Importantly, this Court said the significant interests of parents in termination proceedings are adequately protected by existing rules and are <u>not</u> infringed by requiring individual analysis of sealing. *Id*. at 759. Accordingly, this Court should hold that *Ishikawa* governs whether to name parents in titles and opinions of termination appeals.

V. CONCLUSION

For the foregoing reasons, this Court should hold that the Court of Appeals properly exercised authority to change the case title, and clarify that *Ishikawa* applies to sealing of names in termination cases.

[10] The court must (1) identify the need to seal court records, (2) allow anyone present in the courtroom an opportunity to object, (3) determine whether the requested method is the least restrictive means of protecting the interests threatened, (4) weigh the competing interests and consider alternative methods, and (5) issue an order no broader than necessary. *Doe G.*, 190 Wn.2d at 199. If the sealing is meant to protect a right other than the right to a fair trial, the proponent must show "a serious and imminent threat" to some other important interest. *Ishikawa*, 97 Wn.2d at 37.

Dated this 29th day of March 2021.

JOHNSTON GEORGE LLP

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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on March 29, 2021, I served a copy of the foregoing memorandum on registered parties via the Supreme Court's web portal.

KATHERINE GEORGE

JOHNSTON GEORGE LLP

March 29, 2021 - 3:21 PM

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Appellate Court Case Title:	In Re the Welfare of K.D.
Superior Court Case Number:	18-7-01295-0

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